

Nov 30 99 10:55a

Betty Hanne Waters, Esq.

4012533508

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January 13, 1984

Bernard E. Bradley, Jr., Esq.
Massachusetts Defenders Committee
139 Cambridge Street
Cambridge, MA 02141

Dear Mr. Bradley:

I have enclosed copies of the police summaries that I have relative to fingerprints.

The ^{copies} of 7/8/80, 7/27/80, 8/4/80, 5/5/80, and 8/8/80 indicate that several prints were sent to Corporal John Deluinos of the Massachusetts State Police, Malden Barracks, and that several suspects were eliminated by virtue of fingerprint comparison.

I have also enclosed a portion of the transcript of the grand jury proceedings held on November 10, 1982, wherein Nancy Taylor testified that the prints lifted at the scene of the murder were smudged and thus were not of any use in the investigation.

Please relay this information to Mr. Spoor and advise as to its significance.

Very truly yours,

Herbert F. Robinson, Jr.

HFD:NE

Enclosures

IP00429

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Betty Anne Waters, Esq.

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January 20, 1984

John J. Conte, Esquire
District Attorney, Worcester County
Courthouse
Room 220
Two Main Street
Worcester, MA 01608

Re: Commonwealth of
Massachusetts vs.
Kenneth W. Waters,
Middlesex County,
No: 82-4115

Dear Mr. Conte:

In May of 1983, Kenneth W. Waters was convicted by a Middlesex County jury of murder in the first degree. The murder occurred on May 21, 1980 in the home of the victim, Katherine Brow, at 7 1/2 Rosewood Avenue, Ayer, Massachusetts.

Mr. Waters is indigent and is being represented by the Massachusetts Defenders Committee, who also represented him at trial. Mr. Waters' mother, Mrs. Elizabeth O'Connor, and his sister, Mrs. Betty Ann Corrente, contacted me shortly after his conviction and have retained me to investigate the facts and circumstances surrounding the murder.

A review of the Ayer Police Department report indicates that several suspects were eliminated from consideration after the use of a fingerprint comparison process. An entry dated 7-3-80 indicates that Cpl. John Balunas of the Massachusetts State Police, Holden Barracks, eliminated several suspects after checking their prints.

Another entry dated 8-3-80 indicates that more suspects were eliminated after their prints were checked. I have attached copies of these entries.

I have been informed that Cpl. John Balunas has since

1-2-84 A.P. [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
Sgt. [unclear] (617-994-4050) - [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

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Betty Anne Waters, Esq.

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John J. Conte, Esquire
District Attorney, Worcester County
January 20, 1984
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retired; Sgt. Ameral, who has succeeded him, has advised that all requests for information and copies relative to these prints should be directed to your attention.

Would you please advise as to whether or not the prints of Mr. Waters were compared with the prints that were lifted at the scene of the crime, and, if so, what findings were made. Would you please also advise as to whether Cpl. Baliunas or any other member of the State Police testified with regard to any such fingerprint comparison or examination.

Would you also please have forwarded to me copies of the prints lifted at the scene of the crime, and the prints of Mr. Waters.

Please advise as to whether or not this request is in order.

Thank you.

Very truly yours,

Herbert F. DeSimone, Jr.

np

IP00805